

**UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

BANNEKER VENTURES, LLC :  
Appellant, :  
v. : Appeal No.: 14-7030  
BANNEKER VENTURES'  
REPLY TO  
LAKRITZ ADLER APPELLEE'S  
RESPONSE TO MOTION FOR  
SUMMARY REVERSAL  
JIM GRAHAM, et al :  
Appellees. :  
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**Banneker Ventures' Reply to LaKritz Adler Appellee's Response to  
Banneker Ventures' Motion for  
Summary Reversal**

Banneker Ventures LLC ("Banneker" or "Banneker Ventures"), by and through its attorneys, for its **Reply to LaKritz Adler Appellee's Response to Banneker Ventures' Motion for Summary Reversal**, pursuant to Federal Rule of Appellate Procedure ("FRAP") 27 and D. C. Circuit Rule 27, states:

**ARGUMENT**

The LaKritz Adler Appellees argue in footnote 1 of their Response to Banneker Ventures Motion for Summary Reversal (Dkt. #1496318) that Banneker failed to comply with the applicable Federal Rules of Appellate Procedure ("FRAP") and the D.C. Circuit Rules of Appellate Procedure ("D.C. Circuit Rules") by filing its Motion (seeking affirmative relief) in combination with Banneker's Response to the LaKritz Adler Appellees Motion for Summary Affirmance. They also allege that Banneker exceeded the allowable page limits.

However, as clearly stated in FRAP 27(a)(3)(A), any party may file a response to a motion. Further, FRAP 27(a)(3)(B) provides that any such response "may include a motion for affirmative relief". That provision goes on to require that the title to any such response "alert the court to the request for relief". Banneker clearly complied with these requirements with its filing on May 23, 2014.

With respect to the page limit, D.C. Circuit Rule 27(c) provides that such a combined response and motion for affirmative relief may not exceed 30 pages. Here, Banneker also complied with this requirement.

**CONCLUSION**

For the foregoing reasons, Banneker does hereby respectfully renew its request that this Court deny the LaKritz Adler Appellee's Motion for Summary

Affirmance on all grounds and enter an order granting Banneker's Motion for Summary Reversal.

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/s/\_\_\_\_\_

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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Banneker's Reply to LaKritz Adler Appellees Response to Banneker's Motion for Summary Reversal was electronically transmitted through the ECF/CMS system on this 16th day of June, 2014, to the following:

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